

REMARKS

The present Amendment is being submitted in response to the Notice of Non-Compliance dated January 26, 2009.

I. Status of Claims

The present Amendment is submitted to correct minor typographic and formating errors in the claims.

Furthermore, upon entry of the Amendment, which is respectfully requested, claims 2, 57, 58, 63, 64, 68, 72, 75-96, 99-101, 103 and 112 will be pending in the application.

In response to the Final Office Action of September 29, 2008, claims 103 and 112 are amended to correct dependency. Claims 52-56, 59-62, 65-67, 69-71, 73-74 and 104-106 are canceled without prejudice or disclaimer. No new matter is added. Accordingly, entry of the Amendment is respectfully requested.

II. Allowable Subject Matter

Applicants respectfully thank the Examiner for indicating that claims 2, 57-58, 63-64, 68, 72, 75-96, 99-101 and 103 are directed to an allowable product, and rejoining claims 104-106 and 112 for being directed to the process of using and making of the allowable product.

III. Response to Claim Rejection Under 35 U.S.C. § 112, first paragraph

Claims 104-106 are rejected under 35 U.S.C. § 112, first paragraph, because the specification does not reasonably provide enablement for prophylaxis or treatment of the diseases included in claims 104-106.

Upon entry of the Amendment, which is respectfully requested, claims 104-106 will be canceled, thereby obviating the § 112, first paragraph rejection of the claims.

IV. Response to Claim Rejection Under 35 U.S.C. § 112, second paragraph

Claims 103-106 and 112 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter for which Applicants regard as the invention. Specifically, the Examiner states that the claims depend from canceled claims 97-98 and 102. Additionally, the Examiner asserts that claims 104-106 include disorders that are not clearly defined.

Initially, without acquiescing to the merits, claims 104-106 are canceled.

Claims 103 and 112 are amended to delete dependency on claims 97-97 and 102, thereby rendering moot the § 112, second paragraph rejection of claims 103 and 112.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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Date: February 23, 2009